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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

EVA SYMONE CHRISTIAN,

Defendant and Appellant.

H045147

(Santa Clara County

Super. Ct. No. C1638600)

I. INTRODUCTION

Defendant Eva Symone Christian pleaded no contest to possessing a loaded firearm while under the influence of cocaine (Health & Saf. Code, § 11550, subd. (e)) and carrying a loaded firearm in public (Pen. Code, § 25850, subd. (a)).¹ After the trial court denied her motion to withdraw her pleas, the court placed defendant on probation with various terms and conditions, including that she serve 180 days in county jail.

On appeal, defendant contends that the trial court erred, in connection with her motion to withdraw her pleas, by refusing to allow expert testimony regarding human trafficking and its effects on her. She argues that the expert testimony was relevant to her claim that she was unduly coerced into pleading no contest. Defendant seeks a remand

¹ All further unspecified statutory references are to the Penal Code.

for a new hearing on her motion to withdraw her pleas, with the opportunity to present expert testimony at the hearing.

For reasons that we will explain, we will affirm the order of probation.

II. FACTUAL AND PROCEDURAL BACKGROUND

A. The Offenses²

On March 17, 2016, around 2:00 a.m., a police officer observed a vehicle with no license plates parked in an area “known for a high level of stolen vehicles.” The officer parked his patrol car and walked toward the vehicle. The officer could smell marijuana approximately 10 feet away from the vehicle. As the officer approached the vehicle, a male sitting in the driver’s seat rolled down the window, and the odor of marijuana got “[m]uch stronger.” The officer asked for identification from the male, whose last name was Butcher, as well as identification from a female, later identified as defendant, who was sitting in the front passenger seat. Butcher and defendant admitted that they did not have a prescription for marijuana. Butcher indicated that the marijuana belonged to him.

Butcher was on active searchable probation. Butcher exited the vehicle, and the officer conducted a pat search for weapons, but no weapons were found.

Defendant was told to exit the vehicle and to leave all her belongings in the vehicle. She had a purse, which she refused to leave in the vehicle or on the hood of the vehicle. The police officer told defendant that she was being detained and to put her arms behind her back. As another officer touched defendant’s wrist, she “tensed up and began to pull away.” Defendant was ultimately placed in handcuffs.

After defendant was handcuffed, the purse was taken from her. The purse had a “slight odor of marijuana.” Inside her purse was a loaded nine-millimeter handgun and a small bag with marijuana residue. The police also found in the vehicle a small bag of

² As defendant was convicted by plea, the facts underlying her offenses are taken from the preliminary examination.

marijuana and a container with approximately three and one-half grams of a green leafy substance that appeared to be marijuana.

During the encounter with police, defendant exhibited symptoms of being under the influence of a controlled substance, specifically a stimulant. She subsequently tested presumptive positive for cocaine and opiates. There were no firearms registered to defendant, and the firearm recovered from her purse was not registered to anyone.

B. The Charges and Pleas

On November 10, 2016, defendant was charged by information with possessing a loaded firearm while under the influence cocaine (Health & Saf. Code, § 11550, subd. (e); count 1), carrying a loaded firearm in public (§ 25850, subd. (a); count 2), and misdemeanor resisting an officer (§ 148, subd. (a)(1); count 3).

On February 27, 2017, defendant executed a written advisement of rights, waiver, and plea form. In the form, defendant indicated that she would be pleading guilty or no contest to possessing a loaded firearm while under the influence (Health & Saf. Code, § 11550, subd. (e); count 1) and carrying a loaded firearm (§ 25850, subd. (a); count 2). She acknowledged that she had a full opportunity to talk with her counsel about the facts of her case, the elements of the charged offenses, any defenses she may have, her constitutional rights and waiver of those rights, the factual basis and consequences of her plea, and that she was satisfied with her counsel's advice. Defendant also acknowledged that she understood the charges against her and the possible pleas and defenses. She further acknowledged that she was "freely and voluntarily" choosing to give up her constitutional rights to a jury trial, to confront and cross-examine witnesses, to present a defense, and to remain silent and to not incriminate herself. Defendant also indicated that no one had made any threats or used any force against her to convince her to plead guilty or no contest. She agreed that there was a factual basis for her pleas based on her discussions with counsel about the elements of the offenses and any defenses she may have, and that she was satisfied with the advice she had received. Defendant indicated on

the form that she was “freely and voluntarily” pleading no contest. Defense counsel also stipulated on the form that there was a factual basis for defendant’s pleas “based on the investigative report(s), the preliminary hearing transcript . . . , and the other material within the court’s file.”

At the change of plea hearing that same day, defendant appeared with appointed counsel. Counsel stated, “I’m not recommending that my client enter a plea to this case. Actually, it’s over my advice that she not accept the offer, but it was her choice.” The trial court asked defendant several questions before she entered her pleas. Among other matters, defendant confirmed that she discussed the written plea form with her counsel, and that she did not have any questions at the hearing.

Defendant pleaded no contest to count 1, possessing a loaded firearm while under the influence of cocaine (Health & Saf. Code, § 11550, subd. (e)), and count 2, carrying a loaded firearm in public (§ 25850, subd. (a)). She entered her pleas with the understanding that (1) she would be placed on formal probation with various terms and conditions, including six months in jail with “no early release programs,” and (2) if she successfully completed two years of formal probation, she could file a motion under section 17 to have the felony offenses reduced to misdemeanors and the prosecutor would not object. The remaining misdemeanor count was submitted for dismissal at the time of sentencing.

After defendant entered her pleas, the trial court stated that, having reviewed the written waiver and plea form and having questioned defendant, the court found defendant “has been properly advised of the charges, elements of the charges, possible defenses, and consequences of her plea, and she’s been fully informed of her constitutional rights. And she has made a knowing, voluntary, and intelligent waiver of those rights.”

C. The Testimony by the Co-Occupant of the Vehicle

On the date set for sentencing, May 5, 2017, defendant indicated that she wanted to withdraw her pleas. The trial court set a briefing schedule for defendant’s motion.

That same day, in connection with defendant's anticipated motion to withdraw her pleas, the trial court heard testimony from Quanzell Butcher, the man who was in the vehicle with defendant on the date of her arrest. Butcher testified that he had known defendant for about 15 or 16 months, and that she was his girlfriend and "caregiver." He testified that he "need[ed] a caregiver" because he was shot in the head in June 2016.

Butcher testified that the gun in defendant's purse was his gun. Butcher stated that he bought the gun for \$600 in cash from "[a] guy on the street" about three days prior "[b]ecause [he] ha[d] enemies on the streets."

Butcher testified that when he was in the vehicle with defendant, he initially had the loaded nine-millimeter gun in his lap. He subsequently put the gun in defendant's purse, which was on the seat between them, when the police officer was still a distance away. Butcher testified that he did not think the police had the right to search her purse. He thought defendant's case would be thrown out if a court ruled that the police illegally searched the bag.

Butcher testified that he told police that he and his girlfriend had gone bowling that night and that he was in the car to "chill." Butcher admitted that he told the police the marijuana was his, but that he did not tell the police the gun was his. Instead, he told the police that he had "no idea about the gun" and "didn't want to talk anymore." He claimed that he did not admit ownership of the gun because defendant "was already arrested."

Butcher testified that he did not have an occupation. He indicated that he had previously worked in Bakersfield for a company selling natural gas. He denied being a pimp, meaning "[s]omeone who receives money from a prostitute," and he denied that he had ever "pimped [defendant]."

Butcher admitted that he was arrested with an "old friend," C.J., in December 2015 for pimping or pandering, and that he pleaded to a felony based on that incident. At the hearing in defendant's case, however, he denied that he had been

pimping and pandering in the 2015 incident. Although he had been convicted of a felony, and although he knew he was prohibited from possessing firearms, he had a gun during the March 2016 incident involving defendant and he put the gun in her purse.

Butcher testified that he was currently in custody for possession of a firearm and human trafficking based on an arrest in March 2017, when sheriff's deputies pulled him over in a car. Butcher testified that neither defendant nor another person, P.N., was with him when he was arrested. The firearm in his possession at that time was also a nine-millimeter but a different brand than the one in defendant's purse. Butcher had a prior strike conviction.

Butcher testified that he wanted to "take responsibility" for the gun because it was his gun. He testified that he cared about defendant, and that he didn't want her to go to jail. He denied, however, that he was "owning up to [the] gun" because he didn't want her to go to jail.

Butcher was out of custody during part of the time that defendant was defending her case. Butcher testified that he never told defendant that he wasn't going to admit in court that the gun was his.

D. The Motion to Withdraw the Pleas

On May 17, 2017, defendant filed her motion to withdraw her pleas. In the motion, she contended that she was "ignorant of the fact that [Butcher] would admit in court that he had just put the gun in her purse when [he] was pulled over by [the police]." She had believed that Butcher would invoke his right against self-incrimination and not testify, and that, because she had told the police the gun was hers, she would not prevail at trial. Defendant contended that Butcher was subsequently arrested for human trafficking and gun charges, that he waived his Fifth Amendment rights, and that he "truthfully testified" that the gun was his and that he put the gun in her purse.

Defendant also provided a declaration in support of the motion. According to the declaration, defendant had indicated to her trial counsel that the gun was hers because she

“knew [her] boyfriend, [Butcher], was unwilling to admit the gun was his and that he put the gun in [her] purse when the police stopped [them].” Defendant “did not want to get [Butcher] into trouble.” She further stated in her declaration: “If [Butcher] was willing to admit his conduct at the time I went to trial . . . , I would not have entered a plea of no contest. I would have fought the case.” Defendant further stated that, since the entry of her no contest pleas and while awaiting sentencing, Butcher had “been arrested for human trafficking and gun possession and [was] awaiting resolution of his case.” According to defendant, “[a]fter [Butcher’s] latest arrest, [he] told [her] he was now willing to take responsibility and admit to putting the gun in [her] purse as [they] were stopped by the police.”

E. The Prosecution’s Opposition to the Motion

The prosecutor contended that defendant’s motion should be denied. The prosecutor argued that (1) defendant had reviewed the detailed waiver and plea form with her counsel before signing the form, (2) defendant and her counsel had agreed that there was a factual basis for the pleas, (3) defendant’s assumption that Butcher would not testify at trial was not an adequate basis for her to withdraw her pleas, (4) Butcher’s testimony was “unreliable” and was “obviously motivated by a desire to help” defendant, and (5) even if the gun belonged to Butcher, defendant legally possessed the gun and her possession was more than transitory. The prosecutor contended that Butcher was currently in custody facing approximately eight years in prison for his own case, and that “[n]ow that he is in, he sees a chance to help someone he professes to care about by taking the rap for the gun.”

F. The Hearing on Defendant’s Motion and Sentencing

At the August 4, 2017 hearing on defendant’s motion to withdraw her pleas, defense counsel stated that he “had a strong suspicion” when he first received defendant’s case and reviewed the police report “that [defendant] was not the person who possessed that firearm, that it was the probationary person, Mr. Butcher.” However, he “had no

other evidence” at the time, and defendant had not been “cooperative with [defense counsel] at all regarding whether or not that gun was hers or Mr. Butcher’s.” Counsel believed that defendant’s case was a “misdemeanor case at best” based on defendant’s age and lack of criminal history. Counsel believed that defendant should not accept the “six-month offer and a felony” but defendant accepted the offer over his advice.

Defense counsel further stated that, at the time of defendant’s no contest pleas, he did not have a February 2017 police report “that showed that there was evidence that [defendant] was a victim of human trafficking, that she was a prostitute that was being prostituted out by Mr. Butcher according to the minor in that report.” According to counsel, if he had had that report at the time the no contest pleas were entered, he would have had a much stronger argument that it was a misdemeanor case. Only after the no contest pleas were entered did counsel receive information that Butcher was in custody on human trafficking and gun possession charges.

Defense counsel stated that, after Butcher testified about putting the gun in defendant’s purse, defense counsel retained an expert, who would testify at the instant hearing on defendant’s motion to withdraw her pleas. Defense counsel explained that the expert would testify “regarding human trafficking and how the influence of human trafficking affected [defendant] in her plea in this case and that, but for the fact that she was under those influences, would not have entered the plea that she did.”

The trial court stated, “How can [the expert] testify to that? That would be purely speculative.” The prosecutor requested that the defense make an offer of proof regarding the relevance of the expert’s testimony on the issue of whether defendant’s plea was knowing, intelligent, and voluntary.

The following exchange then took place:

“[DEFENSE COUNSEL]: Your Honor, I believe that . . . the testimony that is going to be in this case is that, reviewing the facts of the two police reports in this case, her statements, my client’s statements, that she was, in fact, a victim of human

trafficking. She suffered from what is commonly known as, if I get the syndrome correctly, I should have it right now.

“THE COURT: Has your client made a statement that she was a victim of human trafficking?

“[DEFENSE COUNSEL]: No. It’s based on the facts that I pulled out from the other police reports. And she’s also admitted to being a prostitute in the first place.

“THE COURT: She’s shaking her head as you’re saying that.

“[DEFENSE COUNSEL]: She’s always denied everything that, that I –

“THE DEFENDANT: Is there a way I can speak for myself?

“[DEFENSE COUNSEL]: We’re not going to do that today.

“THE COURT: . . . [I]n terms of an offer of proof, I want some affirmation that your client admits she’s a victim of trafficking.

“[DEFENSE COUNSEL]: That’s part of the syndrome is that she’s not going to admit that she was – she’s not admitting she was a victim of prostitution at all. I still believe that there’s still evidence that she was. That is part of the syndrome that she is suffering from in this case. And that is what my expert is going to testify, talk to you about.

“THE COURT: How does that relate to the charges in this case?

“[DEFENSE COUNSEL]: She admitted to possessing the firearm solely to protect Mr. Butcher and that she was reconditioned to do that.”

After the trial court indicated that it was going to deny the motion to withdraw the pleas, defense counsel asked whether expert testimony could be presented. The following discussion took place:

“THE COURT: . . . [The expert] can’t testify to what your client’s intention was or what Mr. Butcher’s intention was in putting that gun in her purse. She was in possession of the gun. It was in her purse. And your expert, it would be speculating as to

what was going through her mind in terms of accepting of the fact that that gun's going into her purse. . . .

“[DEFENSE COUNSEL]: . . . I believe the expert would testify regarding a trafficking syndrome, that fact that my client was under the influence of Mr. Butcher because of that, that she was, basically, groomed into a position of protecting him if law enforcement were to show, that that is a syndrome that is suffered by many people that are involved that are victims of trafficking. [¶] . . . [¶]

“THE COURT: . . . I believe, even if she was a victim of human trafficking, that doesn't negate the crime of possessing the gun so I'm prepared to go forward with sentencing.”

The trial court proceeded to suspend imposition of sentence and place defendant on probation for two years with various terms and conditions, including that she serve 180 days in county jail with “no early release programs.” The misdemeanor count (count 3) was dismissed.

Defendant filed a notice of appeal and obtained a certificate of probable cause. (§ 1237.5; Cal. Rules of Court, rule 8.304(b).)

III. DISCUSSION

Defendant contends that the trial court abused its discretion in refusing to hear expert testimony regarding human trafficking and its effects on her. She argues that the testimony was “relevant to [her] claim that the no contest plea was involuntary as a result of undue coercion.” Defendant seeks a remand for a new hearing on her motion to withdraw her pleas, with the opportunity to present expert testimony at the hearing.

The Attorney General contends that the trial court did not abuse its discretion in refusing to allow the expert testimony or in denying defendant's motion to withdraw the pleas.

***A. General Legal Principles Regarding a Motion to Withdraw a Plea and
Regarding the Exclusion of Evidence***

Under section 1018, a trial court may allow a defendant to withdraw a guilty plea for “good cause shown.” Good cause exists to withdraw a plea when the defendant was operating under a factor that overcomes the exercise of the defendant’s free judgment. (*People v. Cruz* (1974) 12 Cal.3d 562, 566.) Factors overcoming a defendant’s free judgment include mistake, ignorance, inadvertence, or duress. (*Ibid.*; *People v. Huricks* (1995) 32 Cal.App.4th 1201, 1208 (*Huricks*).) However, a plea may not be withdrawn simply because the defendant has changed his or her mind, or because the plea was made reluctantly or unwillingly by the defendant. (*Huricks, supra*, at pp. 1208-1209; *People v. Hunt* (1985) 174 Cal.App.3d 95, 103-104; *People v. Urfer* (1979) 94 Cal.App.3d 887, 892-893.) “The defendant has the burden to show, by clear and convincing evidence, that there is good cause for withdrawal of his or her guilty plea. [Citations.]” (*People v. Breslin* (2012) 205 Cal.App.4th 1409, 1415-1416.)

A trial court’s denial of a motion to withdraw a plea is reviewed for an abuse of discretion. (*People v. Patterson* (2017) 2 Cal.5th 885, 894 (*Patterson*); *People v. Fairbank* (1997) 16 Cal.4th 1223, 1254 (*Fairbank*).) The trial court’s factual findings must be supported by substantial evidence. (*Fairbank, supra*, at p. 1254.) If “ ‘a trial court’s decision rests on an error of law, that decision is an abuse of discretion.’ [Citation.]” (*Patterson, supra*, at p. 894.)

Regarding expert testimony, “[a]n expert may give opinion testimony ‘[r]elated to a subject that is sufficiently beyond common experience that the opinion of an expert would assist the trier of fact.’ (Evid. Code, § 801, subd. (a).)” (*People v. Brown* (2014) 59 Cal.4th 86, 101.) “ ‘The trial court has broad discretion in deciding whether to admit or exclude expert testimony [citation], and its decision as to whether expert testimony meets the standard for admissibility is subject to review for abuse of discretion.’ [Citation.]” (*Ibid.*)

“Of course, only relevant evidence is admissible [citation], and relevance is defined as ‘having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action’ [citation]. The trial court has broad discretion to determine the relevance of evidence [citation], and we will not disturb the court’s exercise of that discretion unless it acted in an arbitrary, capricious or patently absurd manner [citation].” (*People v. Jones* (2013) 57 Cal.4th 899, 947.)

B. Analysis

Defendant contends that expert testimony regarding human trafficking and its effects on her was “relevant to [her] claim that the no contest plea was involuntary” and the “result of undue coercion.” She argues that she was “the victim of human trafficking, that she made the plea to benefit her trafficker, and that the trafficker was responsible for the crime.” Defendant contends that expert testimony in this context serves the same purpose as expert testimony regarding “battered women’s syndrome” and “intimate partner abuse,” which has been held to be relevant in certain contexts. (See *People v. Humphrey* (1996) 13 Cal.4th 1073, 1088-1089; *People v. Kovacich* (2011) 201 Cal.App.4th 863, 900-902.) Defendant contends that the trial court “misunderst[ood] the factual basis” of her claim that the plea was involuntary, and that “the court appears not to have understood that [she] claimed in her declaration that she felt coerced into pleading, and that the expert’s testimony was relevant to explain [her] actions and to assist in assessing her credibility.” Defendant also argues the court “misunderstood the law requiring that it scrutinize [her] plea to ensure that it was not made involuntarily due to coercion,” citing *In re Ibarra* (1983) 34 Cal.3d 277 (*Ibarra*).

The Attorney General concedes that an expert witness on human trafficking and its effects on a victim “could provide relevant evidence to a trial court considering whether a human trafficking victim entered a guilty plea voluntarily, or was coerced into the plea by her trafficker to protect him.” The Attorney General states that “[s]uch testimony, either alone or in combination with other evidence, might provide a basis for a court to

conclude that the victim would not have accepted the plea but for the coercion.” The Attorney General contends, however, that defendant in this case presented insufficient evidence that she had been the victim of human trafficking. According to the Attorney General, defense counsel’s offer of proof on the issue was “woefully inadequate” and lacked “the specifics of the minor’s statements or [defendant’s] statements,” which were apparently in police reports, to show that trafficking could reasonably be inferred from those statements. The Attorney General contends that the trial court therefore did not abuse its discretion in refusing to hear expert testimony, or in denying defendant’s motion to withdraw her pleas.

“An expert opinion must not be based upon speculative or conjectural data. [Citations.]” (*Hyatt v. Sierra Boat Co.* (1978) 79 Cal.App.3d 325, 338.) The facts assumed by an expert, or a hypothetical question posed to an expert, “must be based upon facts shown by the evidence.” (*Id.* at p. 339.) In this case, defendant failed to offer in the trial court admissible evidence of human trafficking that would support her expert’s proposed opinion. As a result, she fails on appeal to demonstrate that the trial court abused its discretion in refusing to consider expert testimony on human trafficking and its effects on defendant.

The record reflects that defendant’s written motion to withdraw her pleas was based on her purported “ignorance of the fact that Mr. Quanzell Butcher would admit in court” that the gun was his, and that he put it in her purse. According to defendant’s declaration in support of the motion, she “knew [her] boyfriend, [Butcher], was unwilling to admit the gun was his and that he put the gun in [her] purse,” so she pleaded no contest because she “did not want to get him into trouble.” Defendant stated in her declaration that if Butcher had been “willing to admit his conduct” earlier when she was going to trial, she would have “fought [her] case” instead of pleading no contest.

Although defendant’s written motion to withdraw her plea was based on the ground that she was “ignorant” regarding which facts Butcher was willing to admit in

court, she now argues on appeal that her motion to withdraw her plea was instead based on the ground of “*undue coercion*,” and that the trial court erred in refusing to allow expert testimony on the issue of human trafficking and its effects. (Italics added.)

Defendant’s declaration in support of her motion, however, provided *no* evidence that she was a victim of human trafficking. Likewise, at the hearing on the motion, defense counsel conceded that defendant had not stated that she was a victim of human trafficking and that she did not admit to being a prostitute. Butcher also denied at the prior hearing that he had ever “pimped [defendant].”

Although defense counsel contended at the hearing on the motion to withdraw the pleas that there was evidence defendant was a victim of human trafficking, the offer of proof was inadequate. An offer of proof “must set forth the actual evidence to be produced and not merely the facts or issues to be addressed and argued [citation].” (*People v. Carlin* (2007) 150 Cal.App.4th 322, 334 (*Carlin*)). The “offer of proof must consist of material that is admissible, it must be specific in indicating the purpose of the testimony, the name of the witness and the content of the answer to be elicited.” (*Semsch v. Henry Mayo Newhall Memorial Hospital* (1985) 171 Cal.App.3d 162, 167.) “The trial court may reject a general or vague offer of proof that does not specify the testimony to be offered by the proposed witness. [Citations.]” (*Carlin, supra*, at p. 334.)

In this case, the offer of proof consisted of purported statements by a minor and by defendant, apparently in police reports, without any indication that the police reports would be admitted into evidence, or that a particular witness would testify, or any specification of the actual testimony of the witness. In view of the inadequate offer of proof regarding defendant being a victim of human trafficking, the trial court did not abuse its discretion in refusing to hear testimony from the expert regarding human trafficking and its effects.

Further, we are not persuaded by defendant’s reliance on *Ibarra, supra*, 34 Cal.3d 277, to support her contention that the trial court applied the wrong legal standard. In

Ibarra, the defendant entered his plea “pursuant to a ‘package-deal’ plea bargain in which his two codefendants also pled guilty.” (*Id.* at p. 281.) The California Supreme Court held that, “when a defendant pleads guilty pursuant to a ‘package-deal’ arrangement, the trial court has a duty to conduct further inquiry into the voluntariness of the plea.” (*Id.* at pp. 281-282.) The court explained that “[e]xtraneous factors . . . may be brought into play” in “package-deal” plea bargains, and thus a trial court has “a duty to conduct an inquiry into the totality of the circumstances to determine whether, in fact, a plea has been unduly coerced, or is instead freely and voluntarily given.” (*Id.* at pp. 287, 288, italics & fn. omitted.) The California Supreme Court set forth a non-exhaustive list of factors for a trial court to consider when conducting an inquiry “into the possibly coercive character of” a “package deal” plea bargain. (*Id.* at p. 290; see also *id.* at pp. 288-289.)

In this case, there is no indication in the record that defendant’s no-contest plea was part of a “package deal” plea bargain in which a codefendant also pleaded guilty. To the extent defendant is contending that the trial court must conduct an inquiry into the possibly coercive character of the plea bargain as set forth in *Ibarra* when the plea bargain involves a defendant who is a victim of human trafficking, as we have explained defendant failed to offer sufficient evidence in the trial court that she was a victim of human trafficking.

Defendant contends that the trial court incorrectly focused on whether the expert could testify about her intent or Butcher’s intent in putting the gun in her purse, rather than focusing on whether the expert testimony was relevant to her claim that her no contest pleas were involuntary due to coercion. Although the court, the prosecutor, and defense counsel discussed the proposed expert testimony in connection with the facts of the case and defendant’s offenses, we are not persuaded that reversal of the trial court’s order denying the motion to withdraw the plea is warranted. The court requested an offer of proof regarding defendant being a victim of human trafficking, but defendant’s offer of

proof was insufficient. Thus, regardless of any relevance of the expert's opinion to whether defendant's plea was involuntary due to coercion, it would have been error for the court to allow such testimony on this record.

In sum, defendant fails to demonstrate that the trial court abused its discretion in refusing to allow expert testimony regarding human trafficking and its effects on defendant. We accordingly conclude that the trial court did not err in denying defendant's motion to withdraw her plea.

IV. DISPOSITION

The order of probation is affirmed.

BAMATTRE-MANOUKIAN, J.

WE CONCUR:

ELIA, ACTING P.J.

MIHARA, J.

People v. Christian
H045147